

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

PATRICK L. MONROE, #28380-177,	)	
	)	CIVIL ACTION NO.
Petitioner,	)	
	)	3:13-CV-2546-G (BK)
VS.	)	
	)	CRIMINAL ACTION NO.
UNITED STATES OF AMERICA,	)	
	)	3:02-CR-126(01)-G
Respondent.	)	

**ORDER ACCEPTING FINDINGS, CONCLUSIONS AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE  
JUDGE, AND DENYING A CERTIFICATE OF APPEALABILITY**

The United States Magistrate Judge made findings, conclusions and a recommendation in this case. Petitioner filed objections, and the district court has made a *de novo* review of those portions of the proposed findings, conclusions and recommendation to which objection was made. To the extent that the petitioner raises objections about grounds for appeal that were not addressed by the magistrate judge, the court notes that those claims are barred by the one-year statute of limitations provided by 28 U.S.C. § 2255. The petitioner's objections are therefore overruled, and the court **ACCEPTS** the findings, conclusions and recommendation of the United States Magistrate Judge.

It is therefore **ORDERED** that the motion to vacate sentence under 28 U.S.C. § 2255 is summarily **DISMISSED** with prejudice as barred by the one-year statute of limitations. *See* Rule 4 of the Rules Governing Section 2255 Proceedings.

Considering the record in this case and pursuant to Federal Rule of Appellate Procedure 22(b), Rule 11(a) of the Rules Governing Sections 2254 and 2255 Proceedings for the United States District Court, and 28 U.S.C. § 2253(c), the court **DENIES** a certificate of appealability. The court adopts and incorporates by reference the magistrate judge's findings, conclusions and recommendation filed in this case in support of its finding that the petitioner has failed to show (1) that reasonable jurists would find this court's "assessment of the constitutional claims debatable or wrong," or (2) that reasonable jurists would find "it debatable whether the petition states a valid claim of the denial of a constitutional right" and "debatable whether [this Court] was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).\*

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\* Rule 11 of the Rules Governing §§ 2254 and 2255 Proceedings reads as follows:

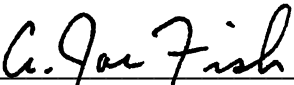
**(a) Certificate of Appealability.** The district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant. Before entering the final order, the court may direct the parties to submit arguments on whether a certificate should issue. If the court issues a certificate,

(continued...)

If petitioner files a notice of appeal,

- ( ) petitioner may proceed *in forma pauperis* on appeal.
- (X) petitioner must pay the \$455.00 appellate filing fee or submit a motion to proceed *in forma pauperis*.

November 26, 2013.

  
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A. JOE FISH  
Senior United States District Judge

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\*(...continued)

the court must state the specific issue or issues that satisfy the showing required by 28 U.S.C. § 2253(c)(2). If the court denies a certificate, the parties may not appeal the denial but may seek a certificate from the court of appeals under Federal Rule of Appellate Procedure 22. A motion to reconsider a denial does not extend the time to appeal.

**(b) Time to Appeal.** Federal Rule of Appellate Procedure 4(a) governs the time to appeal an order entered under these rules. A timely notice of appeal must be filed even if the district court issues a certificate of appealability.